

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING A JUDGE

NO. 43

ANSWER TO NOTICE
OF
FORMAL PROCEEDINGS

COMES NOW, Respondent, Judge Robert S. Stevens, and in answer to the Notice of Formal Proceedings herein, admits, denies and alleges as follows:

COUNT ONE

In answer to the allegations contained in the first two sentences of Count One, commencing with "You have harassed . . ." and ending with ". . . objections of the Murphys.", Respondent admits that he engaged in conversations with Richard and Bethany Murphy that were explicitly sexual in nature.

Except as expressly admitted herein, Respondent denies each and every other allegation contained in Count One.

Respondent further specifically denies that the acts alleged in Count One constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

COUNT TWO

In answer to the allegations contained in Count Two, Respondent admits that he engaged in conversations of a sexual nature with Irene Gladden. Except as expressly admitted herein, Respondent denies each and every other allegation contained in Count Two.

Respondent further specifically denies that the acts alleged in Count Two constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

COUNT THREE

In answer to the allegations contained in Count Three, Respondent admits that he had conversations wherein the subject of sex was briefly mentioned with Sue Foreman and Christina Holben. Except as expressly admitted herein, Respondent denies each and every other allegation contained in Count Three.

Respondent further specifically denies that the acts alleged in Count Three constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

COUNT FOUR

In answer to the allegations contained in Count Four, Respondent denies each and every allegation contained therein.

Respondent further specifically denies that the acts alleged in Count Four constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

FIRST AFFIRMATIVE DEFENSE

As a further, separate and distinct answer and affirmative defense, Respondent objects to Counts One, Two and Three of the Notice of Formal Proceedings on the ground that each of said counts do not state acts or omissions upon which the Commission on Judicial Performance has jurisdiction to proceed.

Counts One, Two and Three allege acts concerning the private and personal conversations and life of Respondent, and such conduct, as alleged in Counts One, Two and Three, does not constitute acts or omissions which occurred in the performance of Respondent's judicial duties, or in his judicial capacity and office as a Judge of the Superior Court of Los Angeles County.

SECOND AFFIRMATIVE DEFENSE

As a further, separate and distinct answer and affirmative defense, Respondent objects to Count Four of the Notice of Formal Proceedings upon the ground that said count does not state acts or omissions upon which the Commission on Judicial Performance has jurisdiction to proceed.

Respondent incorporates herein by reference each and every allegation contained in his First Affirmative Defense to Counts One, Two and Three of the Notice of Formal Proceedings.

Respondent is informed and believes and, upon such information and belief, alleges that the five individuals named in Count Four, Richard Murphy, Bethany Murphy, Irene Gladden, Sue Foreman and Christina Holben, at the time of the alleged acts complained of, were employees of the California State Legislature, working in Sacramento County, and as such were not persons in "subordinate positions" to and "intimidated by" Respondent, in his position as a Judge of the Superior Court of Los Angeles County.

THIRD AFFIRMATIVE DEFENSE

As a further, separate and distinct answer and affirmative defense, as to Count One of the Notice of Formal Proceedings, Respondent alleges that Richard Murphy and Bethany Murphy consented to the private conversations that were of a sexually explicit nature. Further, Respondent alleges that Richard and Bethany Murphy were not harassed or annoyed, nor did they object to Respondent participating in these private conversations at any time; Respondent was not aware that these private conversations were being tape recorded by the Murphys; Respondent did not authorize dissemination of these tape recordings to the public and to the press, but believed at all times that these consensual conversations were private; and further, did not conduct himself in a manner prejudicial to the administration of justice that brings the judicial office into disrepute.

FOURTH AFFIRMATIVE DEFENSE

As a further, separate and distinct answer and affirmative defense, Respondent objects to the form of the Notice of Formal Proceedings as to Count One, on the ground that the allegations contained therein are so vague, indefinite and uncertain that Respondent cannot, from the face of the pleadings, identify these alleged transactions and prepare his defense, in that one cannot determine:

- (1) Whether the conversations that are alleged to have occurred between Respondent and said Richard and Bethany Murphy, were in person, by telephone, or a combination of the two;
- (2) The number of conversations that allegedly took place;
- (3) During what time period these conversations were alleged to have occurred;
- (4) At what time period the objections were allegedly made by Richard and Bethany Murphy;
- (5) Whether the alleged objections to the conversations were made by Richard Murphy or Bethany Murphy, or both;
- (6) The names of the person or persons from whom the Murphys sought assistance because of the Respondent's alleged refusal to refrain from the complained of conduct.

FIFTH AFFIRMATIVE DEFENSE

As a further, separate and distinct answer and affirmative defense, Respondent objects to the form of the Notice of Formal Proceedings, as to Count Two, on the ground that the allegations contained therein are so vague, indefinite and uncertain that Respondent cannot, from the face of the pleadings, identify the alleged transactions and prepare his defense, in that one cannot determine:

- (1) The number of telephone conversations that allegedly took place;
- (2) During what time period these conversations were alleged to have occurred;
- (3) At what time period the objections were allegedly made by Irene Gladden;
- (4) In what manner Irene Gladden objected to these conversations.

SIXTH AFFIRMATIVE DEFENSE

As a further, separate and distinct answer and affirmative defense, Respondent objects to the form of the Notice of Formal Proceedings as to Count Four, on the ground that the allegations contained therein are so vague, indefinite and uncertain that Respondent cannot, from the face of the pleadings, identify the alleged transactions and prepare his defense, in that one cannot determine:

- (1) In what way and in what manner the five individuals named therein were persons "in subordinate positions" to Respondent;
- (2) How and in what manner the five individuals named therein were "intimidated by" Respondent's "official position."

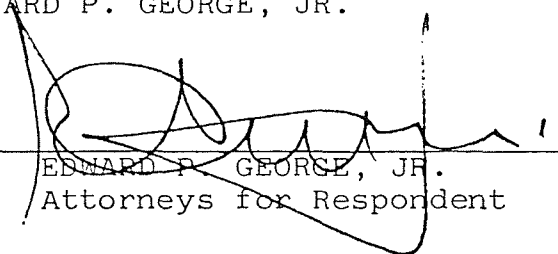
WHEREFORE, Respondent, Judge Robert S. Stevens, prays that:

1. The Notice of Formal Proceedings be dismissed; and,
2. For such other relief as the Commission on Judicial Performance deems just and proper.

DATED: February 19, 1980

ALBERT C. S. RAMSEY
EDWARD P. GEORGE, JR.

By



EDWARD P. GEORGE, JR.
Attorneys for Respondent

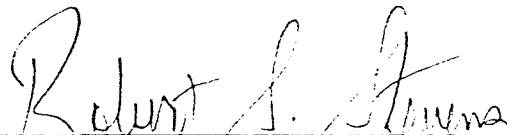
VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I, ROBERT S. STEVENS, am the Respondent in the above entitled proceeding. I have read the foregoing ANSWER TO NOTICE TO FORMAL PROCEEDINGS, and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

EXECUTED at Long Beach, California, on February 19,
1980.



JUDGE ROBERT S. STEVENS

DECLARATION OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I, KAY L. MARCUM, declare:

I am and was at all times herein mentioned, a citizen of the United States, and employed in the County of Los Angeles; over the age of eighteen years, and not a party to the within action or proceeding. My business address is: 3728 Atlantic Avenue, Long Beach, California 90807.

On February 19, 1980, I served the within ANSWER TO NOTICE OF FORMAL PROCEEDINGS on the Attorney General for the State of California in said action, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Long Beach, California, addressed as follows:

GEORGE DEUKMEJIAN, Attorney General
EDDIE T. KELLER,
Deputy Attorney General
555 Capitol Mall, Suite 350
Sacramento, California 95814

I declare, under penalty of perjury, that the foregoing is true and correct.

EXECUTED at Long Beach, California, on this 19th day of February, 1980.


KAY L. MARCUM